

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OLGA KAISER POWELL, *et al.*,

Plaintiffs,

v.

TEXVANS, INC., *et al.*,

Defendants.

Case No. 2:09-cv-01079-LDG (GWF)

ORDER

The complaint alleges that, on June 11, 2008, a tractor-trailer driven by Viliamu Solovi struck a vehicle driven by Earnest Powell, ultimately resulting in his death. The plaintiffs, Olga Kaiser Powell and Laurie Moreno, brought this action against Solovi, their employer Texvans, Inc., and Land Air Express, Inc., which had leased the vehicle. The defendants move for partial summary judgment as to Olga Kaiser Powell's claims of emotional distress (#42). The plaintiffs have not opposed.

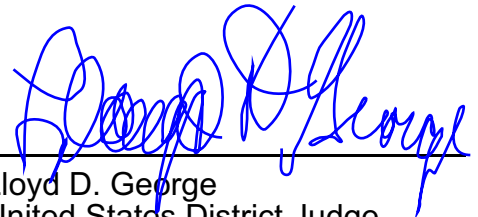
Paragraph 19 of the complaint alleges that plaintiff Olga Powell "has suffered severe emotional distress, grief, mental anguish and sorrow, physical pain, lost solace, lost moral and other support, lost companionship, lost society, lost comfort, lost affection, lost enjoyment of life, lost consortium, and the mental and physical pain and suffering and psychiatric impairment as a direct and proximate result of the acts and omissions of

1 Defendants and their agents and employees.” Although the plaintiffs have not expressly
2 alleged a separate claim for Olga Powell’s emotional distress, the defendants argue that
3 she cannot obtain emotional distress damages for her wrongful death claim. The
4 defendants further argue that, as a matter of law on the undisputed facts, Olga Powell
5 cannot maintain a separate claim for negligent emotional distress.

6 As noted, the plaintiffs have not opposed. Accordingly,

7 THE COURT **ORDERS** that Defendants’ Motion for Partial Summary Judgment as
8 to Plaintiff Olga Kaiser Powell’s Claims of Emotional Distress (#42) is GRANTED.

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10 DATED this 11 day of March, 2011.

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13 Lloyd D. George
United States District Judge
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